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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,472	12/07/2001	Sunil Chada	INGN:097US	5209

7590 06/03/2003  
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Austin, TX 78701

EXAMINER

LI, QIAN J

ART UNIT	PAPER NUMBER
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1632

DATE MAILED: 06/03/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**OFFICE COMMUNICATION**

The reply filed on March 17, 2003 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has not elect a single species for prosecution. See 37 CFR 1.111.

In Office action paper #8, section 3, it was indicated that:

This application contains claims directed to the following patentably distinct species of the claimed invention: i.e. different types of diseases that need to be treated, different viral vectors used in the methods, different type of antigens for administration, and different fragments of MDA-7 polypeptides. Upon election of an invention for examination in this application, further election of a species is necessary, i.e. select a particular disease, a particular MDA-7 fragment, and if applicable, select a particular type of antigen and a particular type of vector for examination.

In response to this communication, Applicant is required under 35 U.S.C. 121 to elect one item from each of the items in the list, i.e. diseases, MDA-7 polypeptides, expression vectors, and antigens. Initially, the combination of the elected items would be considered as the single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims

are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Q. Janice Li whose telephone number is 703-308-7942. The examiner can normally be reached on 8:30 am - 5 p.m., Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah J. Reynolds can be reached on 703-305-4051. The fax numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9307 for After Final communications.

Any inquiry of formal matters can be directed to the patent analyst, Dianiece Jacobs, whose telephone number is (703) 305-3388.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235. The faxing of such papers must conform to the notice published in the Official Gazette 1096 OG 30 (November 15, 1989).

A handwritten signature in black ink, appearing to read 'Q. Janice Li', with a stylized flourish at the end.

Q. Janice Li  
Examiner  
Art Unit 1632

QJL  
May 28, 2003